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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,234	07/31/2003	Swetal A. Patel	CE11265JI111	1739

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EXAMINER	
BALAOING, ARIEL A	

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/631,234	PATEL ET AL.	
	Examiner	Art Unit	
	Ariel Balaoing	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-12 and 14-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-12 and 14-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/31/2005 have been fully considered but they are not persuasive.

Regarding claims 1, 9, and 10, the applicants argue, "MA does not disclose the transmission of a user-recognizable notification during a dispatch call, which can inform one or more of the callers someone is attempting to reach him or her" (page 8-9 of the remarks); however, as seen in the rejection of claim 9 of the original office action, GETTLEMAN and MA disclose wherein the communication takes place in a dispatch system (GETTLEMAN-column 2:lines 41-44; MA-column 2:line 56-64). MA is used in combination with GETTLEMAN to provide notification to a user of an incoming call (column 3:lines 66-column 5:line 7; call waiting). As call waiting is defined as a feature that allows a user to be notified of another incoming call while a call is already in progress, MA does indeed provide a notification that is capable of being perceived by a user. Therefore, the combination of GETTLEMAN in view of MA discloses the transmission of a user-recognizable notification during a dispatch call, which can inform one or more of the callers someone is attempting to reach him or her.

2. Applicant's arguments with respect to claims 1-3, 5-12, 14-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-3, 6-12, 15-17 rejected under 35 U.S.C. 103(a) as being unpatentable over GETTLEMAN et al (US 5,987,332) in view of MA et al (US 5,995,500).

Regarding claim 1, GETTLEMAN discloses a method for notifying callers, comprising the steps of: during a dispatch call in a dispatch system, assigning a first communications channel to a set of callers (column 2:lines 41-50; column 3:lines 8-15); temporarily converting the first communications channel [traffic channel] (410, 420, 430-

Figure 4) to a second communications channel [temporary control channel] (415, 425-Figure 4) when the first communications channel is released (column 4:line 53-column 5:line 7; voice channel is converted into control channel during lulls in communication); and transmitting over the second communication channel a message [neighbor cell information] to at least one of the set of callers (column 5:lines 51-54). However, GETTLEMAN does not expressly disclose wherein the message is a user-recognizable notification that a party is attempting to contact at least one of the set of callers. MA discloses wherein the message is a user-recognizable notification that a party is attempting to contact at least one of the set of callers [call waiting] (column 3:line 66-column 5:line 7). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify GETTLEMAN to include notification that a party is attempting to contact one of the mobile subscribers within the control channel, as both inventions involve using a wireless system and message transmittance within the control channel. This is beneficial in that it allows the disclosed invention of GETTLEMAN to more efficiently process control information when communicating with another subscriber.

Regarding claim 2, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. GETTLEMAN further discloses wherein the first communications channel is converted to the second communications channel for the shorter duration of a predetermined amount of time and a time until the first communications channel is no longer released (column 5:lines 60-64; control channel is active for a short period during lull in communication after a predefined duration).

Regarding claim 3, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. GETTLEMAN further discloses further comprising the step of selectively converting the second communications channel back to the first communications channel (column 4:line 53-column 5:line 7).

Regarding claims 6 and 15, see the rejections of the parent claims concerning the subject matter this claim is dependant upon. However, GETTLEMAN does not expressly disclose further comprising the steps of: terminating the first communications channel after one of the set of callers receives the transmitted message; and assigning a third communications channel to permit at least one of the set of callers to contact the party. MA discloses further comprising the steps of: terminating the first communications channel after one of the set of callers receives the transmitted notification (Figure 8; column 3:line 66-column 5:line 7; column 10:lines 36-50; traffic channel is terminated and slave mobile enters indirect mode with new traffic channel assignment); and assigning a third communications channel to permit at least one of the set of callers to contact the party (Figure 8; column 10:lines 36-62; third party connects to mobile and is inherently assigned a new traffic channel until third party disconnects). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify GETTLEMAN to include a third communication channel to permit communication between a at least one of the set of callers, as taught by MA, as this allows the original call to be placed on hold until the third party is finished.

Regarding claim 7, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. GETTLEMAN further discloses wherein the first

communications channel is a traffic channel (410, 420, 430-Figure 4; column 4:line 53-column 5:line 7) and the second communications channel is a temporary control channel (415, 425-Figure 4; column 4:line 53-column 5:line 7).

Regarding claim 8, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. GETTLEMAN further discloses wherein the set of callers use communications units assigned to the first communications channel to communicate with one another (column 4:line 53-column 5:line 7) and wherein the first communications channel is released when none of the communications units that are assigned to the first communications channel are transmitting over the first communications channel (column 5:lines 4-6; communication channel can be reassigned if temporary control channel is active for extend periods of time).

Regarding claim 9, GETTLEMAN discloses a method of notifying callers, comprising the steps of: during a dispatch call in a dispatch system, assigning a first communications channel to a set of callers (column 2:lines 41-50; column 3:lines 8-15); temporarily converting the first communications channel [traffic channel] (410, 420, 430-Figure 4) to a second communications channel [temporary control channel] (415, 425-Figure 4) when the first communications channel is released (column 4:line 53-column 5:line 7; voice channel is converted into control channel during lulls in communication); and transmitting a message [neighbor cell information] to at least one of the set of callers over the second communications channel (column 5:lines 51-54). However, GETTLEMAN does not expressly disclose that wherein the message is a notification that a party is attempting to contact at least one of the set of callers; and wherein the

notification is capable of being perceived by a user. MA discloses that wherein the message is a notification that a party is attempting [call waiting] to contact at least one of the set of callers (column 3:line 66-column 5:line 7); and wherein the notification is capable of being perceived by a user (column 3:line 66-column 5:line 7; call waiting is defined as a feature that allows a user to be notified of another incoming call while a call is already in progress). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify GETTLEMAN to include notification that a party is attempting to contact one of the mobile subscribers within the control channel, as both inventions involve using a wireless system and message transmittance within the control channel. This is beneficial in that it allows the disclosed invention of GETTLEMAN to more efficiently process control information when communicating with another subscriber.

Regarding claim 10, GETTLEMAN discloses a system for notifying callers, comprising: at least one base station (125, 135, 145-Figure 1; column 3:lines 17-20); and an application processor [system control] (110-Figure 1), wherein said application processor assigns a first communications channel [traffic channel] (410, 420, 430-Figure 4) to a set of callers and instructs said base station to temporarily convert said first communications channel to a second communications channel [temporary control channel] (415, 425-Figure 4) when said first communications channel is released (column 3:lines 8-11; column 4:line 53-column 5:line 7; voice channel is converted into control channel during lulls in communication), wherein said system is a dispatch system (column 2:lines 41-50); wherein during a dispatch call, said application

processor generates a message [neighbor cell information] and instructs said base station to transmit said message to at least one of the set of callers over said second communications channel (column 2:lines 41-50; column 5:lines 51-54). However, GETTLEMAN does not expressly disclose wherein said message is a user-recognizable notification that a party is attempting to contact at least one of the set of callers. MA discloses wherein the message is a user-recognizable notification that a party is attempting to contact at least one of the set of callers [call waiting] (column 3:line 66-column 5:line 7). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify GETTLEMAN to include notification that a party is attempting to contact one of the mobile subscribers within the control channel, as both inventions involve using a wireless system and message transmittance within the control channel. This is beneficial in that it allows the disclosed invention of GETTLEMAN to more efficiently process control information when communicating with another subscriber.

Regarding claim 11, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. GETTLEMAN further discloses wherein said application processor instructs said base station to convert said first communications channel to said second communications channel for the shorter duration of a predetermined amount of time and a time until said first communications channel is no longer released (column 5:lines 60-64; control channel is active for a short period during lull in communication after a predefined duration).

Regarding claim 12, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. GETTLEMAN further discloses wherein application processor instructs said base station to selectively convert said second communications channel back to said first communications channel (column 4:line 53-column 5:line 7).

Regarding claim 16, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. GETTLEMAN further discloses wherein the first communications channel is a traffic channel (410, 420, 430-Figure 4; column 4:line 53-column 5:line 7) and the second communications channel is a temporary control channel (415, 425-Figure 4; column 4:line 53-column 5:line 7).

Regarding claim 17, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. GETTLEMAN further discloses further comprising at least one communications unit assigned to said first communications channel (column 4:lines 44-52), wherein the set of callers use said communications units to communicate with one another (column 4:line 53-column 5:line 7) and wherein said first communications channel is released when none of said communications units that are assigned to said first communications channel are transmitting over said first communications channel (column 5:lines 4-6; communication channel can be reassigned if temporary control channel is active for extend periods of time).

7. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over GETTLEMAN et al (US 5,987,332) in view of MA et al (US 5,995,500) as applied to their parent claims above, and further in view of LADUE (US 6,070,070).

Regarding claims 5 and 14, see the rejections of the parent claims concerning the subject matter these claims are dependant upon. However, the combination of GETTLEMAN and MA do not disclose wherein the notification includes information that reveals the identity of the party attempting to contact at least one of the set of callers. LADUE discloses wherein the notification includes information [caller I.D.] that reveals the identity of the party attempting to contact at least one of the set of callers (column 14:line 57-column 15:line 11). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include identification information of the caller within the control channel as caller ID is another supplemental service that can be transmitted to a subscriber through the control channel. This is beneficial in that it allows the mobile subscribers of the combination of GETTLEMAN and MA the ability to see who is calling and selectively chose if they wish to interrupt the current communication session.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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